

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOHN TOWNSEND,

Plaintiff,

v.

Case No. 10-C-347

SECRETARY, WISCONSIN DEPARTMENT OF CORRECTIONS,
DEPUTY DOC SECRETARY, DOC SECURITY CHIEF,
SARAH COOPER, WILLIAM SWIEKATOWSKI,
MARK ZIMONICK, DR. BREEN,
DR. HAMILTON, WARDEN WILLIAM POLLARD,
DEPUTY WARDEN MICHAEL BAENEN,
and PETER ERICKSON,

Defendants.

ORDER

The plaintiff has filed a motion to amend the complaint along with a proposed amended complaint. He seeks leave to amend to add defendants Matthew Frank, Rick Raemisch, Richard Schneiter, and Daniel Westfield, who were previously identified as John Doe Secretary Wisconsin Department of Corrections, John Doe Deputy DOC Secretary, and John Doe DOC Security Chief, respectively. (The plaintiff identifies both Richard Schneiter and Daniel Westfield as Security Chief.) He also seeks leave to amend to correct several factual discrepancies related to specific and approximate dates. The defendants have not filed a response to the plaintiff's motion.

Leave to amend a pleading should be freely given "when justice so requires." See Fed. R. Civ. P. 15(a)(2). The decision on whether to allow the amendment is within the discretion of the district court. Foman v. Davis, 371 U.S. 178, 182 (1962). Reasons for

denying a motion to amend include “undue delay, bad faith, dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, or futility of the amendment.” Id. at 182.

There is no apparent reason to deny the plaintiff’s motion as it is reasonable and granting it will not unduly delay this case. Currently, the deadlines for the completion of discovery and filing dispositve motions are June 7, 2011 and July 8, 2011, respectively. It is not clear that it will be necessary to extend these dates. Moreover, the defendants do not oppose the motion. Accordingly, the plaintiff’s motion to amend will be granted.

NOW, THEREFORE, IT IS HEREBY ORDERED that the plaintiff’s motion to amend the complaint (Docket #17) be and hereby is **granted**.

IT IS FURTHER ORDERED that the proposed amended complaint is the operative complaint in this action.

IT IS ALSO ORDERED that the defendants file an answer to the amended complaint.

Dated at Milwaukee, Wisconsin this 20th day of April, 2011.

BY THE COURT:

s/Patricia J. Gorence
PATRICIA J. GORENCE
United States Magistrate Judge